

**FILED**

**NOV 12 2014**

**Clerk, U.S. District Court  
District Of Montana  
Missoula**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION**

CANDACE FRIESEN, Individually and  
as Representative of the ESTATE OF  
LADELL FRIESEN and as Next Friend of  
Her Minor Daughter ABIGAIL LADELL  
FRIESEN and on behalf of STAN  
FRIESEN and LOIS FRIESEN,

Plaintiffs,

vs.

ACE DORAN HAULING & RIGGING  
CO.; ACE DORAN BROKERAGE CO.;  
DAN HAMM LEASING COMPANY;  
ACE DORAN, LLC; BENNETT MOTOR  
EXPRESS, LLC; and BENNETT  
INTERNATIONAL GROUP, LLC,

Defendants.

CV 12-134-M-DLC

ORDER

Before the Court is the parties' joint motion to dismiss this action with prejudice. Having been notified of the settlement of this case, the Court ordered the parties to submit a stipulation of dismissal within thirty days on September 2,

2014. At the request of the parties and in order to facilitate negotiation of a structured settlement in favor of Plaintiff's minor daughter, the Court granted the parties' motion for an extension to file the stipulation until November 3, 2014.

Accordingly, IT IS ORDERED that all causes of action asserted by Plaintiff Candace Friesen, Individually and as Representative of the Estate of Ladell Friesen and as Next Friend of Her Minor Daughter Abigail Ladell Friesen against Defendants Ace Doran Hauling & Rigging, Co., Ace Doran Brokerage Co., and Dan Hamm Leasing Company; and Defendants Ace Doran, LLC, Bennett Motor Express, LLC, and Bennett International Group, LLC are hereby dismissed with prejudice.

IT IS FURTHER ORDERED that the allocation of a portion of the proceeds from this settlement by Candace Friesen to her Daughter Abigail Ladell Friesen is approved pursuant to the Settlement Agreement reached by the parties whereby Abigail Ladell Friesen is to receive periodic payments beginning 09/01/2029, \$2,707.06 per quarter for 4 years certain only (16 guaranteed payments).

IT IS FURTHER ORDERED that as provided in the Settlement Agreement between the parties, the Defendant's obligation to make the periodic payments described herein shall be assigned to PASSCorp through a Qualified Assignment and funded by an annuity contract issued by The Prudential Insurance Company of

America, rated A+XV by A.M. Best. To fund the periodic payments, Defendant will issue a check in the amount of \$25,000.00 payable to PASSCorp.

IT IS FURTHER ORDERED that the rights to receive periodic payments granted to Abigail Ladell Friesen in this Judgment may not be sold, transferred, hypothecated, pledged, or otherwise alienated in any manner, directly or indirectly, without the prior approval of the then-sitting judge of this Court, as evidenced by an order approving such transaction entered after compliance with all requirements of the Montana Structured Settlement Protection Act, Montana Code Annotated § 33-20-1401 et seq, as it now exists or may hereafter be amended, or any successor to such statute. Any purported or attempted sale, transfer, hypothecation, pledge, or other alienation of such payment rights that has not been so approved will be a direct violation of this order.

IT IS FURTHER ORDERED that the terms of the resolution of this case are set forth in General Release and Settlement Agreement, which has been executed by all parties, and the parties agree to be bound by all terms set forth in that Agreement. This case is hereby dismissed with prejudice based on these representations and agreement of the parties and in consideration of the terms and conditions set forth therein.

DATED this 12<sup>th</sup> day of November, 2014

A handwritten signature in black ink, reading "Dana L. Christensen". The signature is written in a cursive style with a large, looping initial "D".

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Dana L. Christensen, Chief Judge  
United States District Court